

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2979 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

G J SHAH

Versus

CHAIRMAN & MANAGING DIRECTOR AND OTHERS

Appearance:

MR BP TANNA for Petitioner
MR ARUN H MEHTA for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 02/05/2000

ORAL JUDGEMENT

Present writ petition has been filed by G.J.Shah claiming reliefs for pay and allowance for suspension period of 33 months. A disciplinary proceedings had been taken up against the petitioner and he was suspended from

service. After completion of the departmental proceedings, the petitioner was awarded minor penalty of censure and it is also ordered by the disciplinary authority that he will not get full pay and allowances during the period of his suspension. Having felt aggrieved by the order of the disciplinary authority, the petitioner filed a revision to the Bank authority and the Bank authority has also rejected the prayer of the petitioner to grant him full pay and allowances during period of suspension. The claim of the petitioner is this that censure is not punishment and therefore according to the provisions of Rule 15 of the Central Bank of India, Officers Employees' (Conduct) Regulations 1976, the petitioner is entitled to full pay and allowances for the period of suspension.

I have heard Ms. Keerawala, learned counsel appearing for Mr. B.P.Tanna, learned counsel appearing on behalf of the petitioner and Mr. A.H.Mehta, learned senior counsel appearing on behalf of the respondent Bank. Only question that has been raised in the present writ petition is whether the petitioner is entitled to full pay and allowances during the period of 33 months of his suspension.

Mr. Mehta, learned Senior Counsel appearing on behalf of the Bank drew my attention to Rule 4 of the aforesaid Regulations of 1976 and in terms of Rule 4, it appears that censure is a minor punishment.

After going through the provisions of Rule 4 of the aforesaid Regulations of 1976, Ms. Keerawala, learned counsel for the petitioner very fairly submitted that in view of the fact that censure is a penalty, the petitioner may not have any grievance for not allowing him to receive full pay and allowances during the period of his suspension. Further from the provisions of Rule 15 of the aforesaid Regulations 1976, it is clear that in case the Bank employee or officer is awarded a penalty, his case is covered by Rule 15(3)(b) of the said Regulations of 1976. Rule 15(3)(b) provides that in case the Bank employee or officer is punished, the period of suspension cannot be treated as the period spent on duty, unless the competent authority specifically directs. In the instant case, the disciplinary authority has clearly stated that the petitioner will not be entitled to full pay and allowances during suspension period and that is permissible under Rule 15 of the Regulations of 1976, I do not find any illegality in the order of the respondent Bank.

Having regard to the facts and circumstances as stated above and after hearing learned counsel of both the parties, I am of the view that there is no merit in the writ petition and accordingly the writ petition is dismissed, but, I make no order as to costs.

Date: 2/5/2000. (P.K.SARKAR,J.)

ccshah